

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD DONALD BURLEY,

Petitioner,

v.

JOHN PRELESNIK,

Respondent.

Case No. 11-CV-11258

HON. AVERN COHN

ORDER DENYING PETITIONER'S MOTION TO DE-PUBLISH CASE (Doc. 62)

This is a habeas case under 28 U.S.C. § 2254. On September 7, 2012, the Court denied the petition. (Doc. 39). The Court did not submit its opinion for publication. However, the opinion was apparently put online on LEXIS and Westlaw's electronic databases. See 2012 US Dist LEXIS 127488, 2012 WL 3887204.

Before the Court is Petitioner's motion to "de-publish" the case and order LEXIS, Westlaw and any other electronic databases to remove the opinion from their electronic databases. For the reasons that follow, the motion is DENIED.

II.

Petitioner says that the opinion has exposed him to imminent danger in prison because it refers to the fact that Petitioner had received a plea bargain in exchange for being a cooperating witness.

While the Court is sympathetic to Petitioner's concerns, it cannot grant Petitioner's request. As another judge explained in denying a similar request:

The Court does not have any control or authority over the companies and

services which publish federal judicial opinions. Therefore, the Court cannot order Thomson Reuters, Westlaw, LexisNexis or any other legal publisher or publication service to remove this Court's opinions from their electronic databases or publications.

Hinson v. United States, No. 4:06-CV-769 CAS, 2010 WL 3724869, at *1–2 (E.D. Mo. Sept. 17, 2010). By contrast, in Davies v. Paul Revere Life Ins. Co., 236 F. Supp. 2d 445 (M.D. Pa. 2002), the district court ordered a prior decision be removed from publication. In Davies, unlike this case, the opinion at issue had been vacated. Thus, Davies does not support Petitioner's request.

SO ORDERED.

S/Avern Cohn _____
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: June 21, 2017
Detroit, Michigan